

11-19-04

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

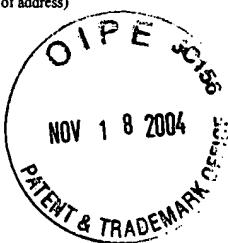
Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 09/08/2004

A. Sidney Johnson
 Cesari and McKenna, LLP
 88 Black Falcon Avenue
 Boston, MA 02210



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission Express
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for **Express** mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

| | |
|--------------------------|--------------------|
| Stephanie Mannino | (Depositor's name) |
| <i>Stephanie Mannino</i> | (Signature) |
| November 18, 2004 | (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/027,909 | 12/21/2001 | Steven R. Klinkner | 112056-0011 | 9927 |

TITLE OF INVENTION: SYSTEM AND METHOD FOR PRE-SELECTING CANDIDATE DISKS BASED ON VALIDITY FOR VOLUME

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|----------------|-----------------|------------------|------------|
| nonprovisional | NO | \$1330 | \$0 | \$1330 | 12/08/2004 |
| EXAMINER | ART UNIT | CLASS-SUBCLASS | | | |
| ELLIS, KEVIN L | 2188 | 711-170000 | | | |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Cesari and McKenna, LLP

A. Sidney Johnston

3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Network Appliance, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Sunnyvale, California

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number **03-1237** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Typed or printed name **A. Sidney Johnston**

Date **November 18, 2004**

Registration No. **28,598**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

11/22/2004 ZJUHAR2 0000011 10027909

01 PCT1301 (Rev. 08/04) Approved for use through 04/30/2007.

1370.00 0P OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL

NOV 18 2004

for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

PATENT
TRADEMARK Applicant Claims Small Entity Status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,370)

Complete if Known

| | | |
|----------------------|--------------------|--|
| Application Number | 10/027,909 | |
| Filing Date | December 21, 2001 | |
| First Named Inventor | Steven R. Klinkner | |
| Examiner Name | Ellis, Kevin L. | |
| Group Art Unit | 2188 | |
| Attorney Docket No. | 112056-0011 | |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Other None
 Deposit Account Order

Deposit Account Number 03-1237

Deposit Account Name Cesari and McKenna, LLP

The Commissioner is authorized to: (check all that apply)
 Charge any deficiency or
 Charge fee indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 790 | 2001 | 395 | Utility filing fee | |
| 1002 | 350 | 2002 | 175 | Design filing fee | |
| 1003 | 550 | 2003 | 275 | Plant filing fee | |
| 1004 | 790 | 2004 | 395 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | (\$) | | | 0 |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | Extra Fee from Claims below | Fee Paid |
|--------------------|--|-----------------------------|-----------|
| Total Claims | | - 20** = | 0 x 0 = 0 |
| Independent Claims | | - 3** = | 0 x 0 = 0 |
| Multiple Dependent | | | 0 = 0 |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 88 | 2201 | 44 | Independent claims in excess of 3 |
| 1203 | 300 | 2203 | 150 | Multiple dependent claim, if not paid |
| 1204 | 88 | 2204 | 44 | **Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$) | | 0 |

**or number previously paid, if greater; For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|-----------------------------------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English Specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920 | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840 | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 430 | 2252 | 215 | Extension for reply within second month | |
| 1253 | 980 | 2253 | 490 | Extension for reply within third month | |
| 1254 | 1,530 | 2254 | 765 | Extension for reply within fourth month | |
| 1255 | 2,080 | 2255 | 1,040 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,370 | 2453 | 685 | Petition to revive - unintentional | |
| 1501 | 1,370 | 2501 | 685 | Utility Issue fee (or reissue) | 1,370 |
| 1502 | 490 | 2502 | 245 | Design Issue fee | |
| 1503 | 660 | 2503 | 330 | Plant Issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | | | | |
| Other fee (specify) | | | | | |
| *Reduced by Basic Filing Fee Paid | | | | SUBTOTAL (3) | (\$) |
| | | | | | 1,370 |

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|--------------------|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | A. Sidney Johnston | Registration No. (Attorney/Agent) | 29,548 | Telephone | (617) 951-2500 |
|-------------------|--------------------|--------------------------------------|--------|-----------|----------------|

Signature *A. Sidney Johnston*

Date November 18, 2004



PATENTS
112056-0011
P01-1079

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:
Steven R. Klinkner

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)
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)

Serial No.: 10/027,909

Examiner: Ellis, Kevin L.

Filed: December 21, 2001

Art Unit: 2188

For: SYSTEM AND METHOD FOR
PRE-SELECTING CANDIDATE
DISKS BASED ON VALIDITY
FOR VOLUME

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
November 18, 2004

EXPRESS-MAIL DEPOSIT

“Express Mail” Mailing-Label Number: EV 335591774 US

The following papers are being deposited with the United States Postal Service
“Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. §1.10:

Fee Transmittal Letter
 Issue Fee Transmittal (Part B)
 Return Request Postcard

Check No. 29557 for \$1,370
 Issue Fee Transmittal Letter



PATENTS
112056-0011
P01-1079

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Steven R. Klinkner)
Serial No.: 10/027,909) Confirmation No.: 9927
Filed: December 21, 2001) Examiner: Ellis, Kevin L.
For: SYSTEM AND METHOD FOR)
PRE-SELECTING CANDIDATE) Art Unit: 2188
DISKS BASED ON VALIDITY)
FOR VOLUME)
Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
November 18, 2004

“Express Mail” Mailing-Label Number: EV 335591774 US

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ISSUE-FEE TRANSMITTAL

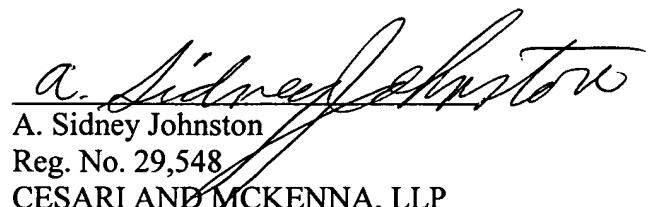
In response to the Notice of Allowance and Issue Fee Due mailed November 18, 2004, for the above-identified application, enclosed are the following documents:

- Issue Fee Transmittal Form PTOL-85b;
- Fee Transmittal Letter; and
- a check for \$1370 to cover the issue fee.

PATENTS
112056-0011
P01-1079

Please charge any additional fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,


A. Sidney Johnston
Reg. No. 29,548
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500